

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**KINETIC ILLUMINATION SYSTEMS AND METHODS**

the specification of which (check one)

( ) is attached hereto.

(X) was filed on December 17, 1998 as United States Application Number or PCT International Application Number 09/213,581, and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

US98/17702  
(Number)

U.S.  
(Country)

August 26, 1998  
(Day/Month/Year Filed)

(X) Yes ( ) No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

60/071,281  
(Application Number)

December 17, 1997  
(Filing Date)

60/068,792  
(Application Number)

December 24, 1997  
(Filing Date)

60/078,861  
(Application Number)

March 20, 1998  
(Filing Date)

60/079,285  
(Application Number)

March 25, 1998  
(Filing Date)

60/090,920  
(Application Number)

June 26, 1998  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

08/920,156  
(Application Number)

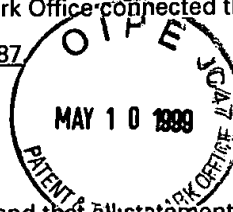
August 26, 1997  
(Filing Date)

Pending  
(Status - patented, pending, abandoned)

I hereby appoint Charles H. Cella, Reg. No. 38,099; Beth E. Arnold, Reg. No. 35,430; Isabella M. Clauss, Reg. No. (see attached); Edward J. Kelly, Reg. No. 38,936; Donald W. Muirhead, Reg. No. 33,978; and Matthew P. Vincent, Reg. No. 36,709 as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Charles H. Cella at telephone number (617) 832-1187

Address all correspondence to: Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, Ma. 02109-2170



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) LYS, Ihor Date 4/12/99  
Inventor's signature [Signature]  
Residence 5 Hull Street, Apt. 6, Boston, MA 02113 Citizenship USA  
Post Office Address \_\_\_\_\_

• Full name of sole or first inventor (given name, family name) Mueller, George G. Date April 12, 1999  
Inventor's signature [Signature]  
Residence 234 Hanover Street, # 3, Boston, MA 02113 Citizenship USA  
Post Office Address \_\_\_\_\_

Full name of sole or first inventor (given name, family name) Blackwell, Michael K. Date 12-Apr-99  
Inventor's signature [Signature]  
Residence 357 Blue Hills Parkway, Milton, MA 02186 Citizenship USA  
Post Office Address \_\_\_\_\_

( ) Additional inventors are being named on separately numbered sheets attached hereto.

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN**

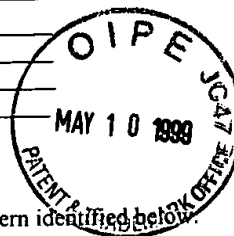
Docket Number (Optional)  
CKC-012.07

Applicant or Patentee: Jhor A. Lys, George G. Mueller and Michael K. Blackwell

Serial or Patent No.: 09/213,581

Filed or Issued: December 17, 1998

Title: KINETIC ILLUMINATION SYSTEMS AND METHODS



I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Color Kinetics Incorporated

ADDRESS OF SMALL BUSINESS CONCERN 50 Milk Street, 17<sup>th</sup> Floor  
Boston, Massachusetts 02109

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title as listed above.

☐ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern with would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David Johnson

TITLE OF PERSON IF OTHER THAN OWNER Chief Financial Officer

ADDRESS OF PERSON SIGNING Color Kinetics Incorporated, 50 Milk Street, 17<sup>th</sup> Floor, Boston, Massachusetts 02109

SIGNATURE *David Johnson*

DATE 3/15/99